



August 2, 2019

VIA EMAIL

Samuel Sinyangwe
C/O MuckRock News
77510-40365228@requests.muckrock.com

Re: July 24, 2019 Public Records Act Request

Mr. Sinyangwe:

This letter is in response to your request pursuant to the California Public Records Act¹ ("CPRA") received by the City of Walnut Creek ("City") on July 24, 2019 for the following categories of information:

1. The total number of police uses of force in 2018, broken down by type of force used (i.e. number of uses of tasers, number of uses of baton, etc.);
2. The total number of use of force complaints reported by civilians in 2018;
3. The total number of use of force complaints reported by civilians that were sustained in 2018; and
4. All arrests data reported to the California Department of justice via the Monthly Arrests and Citation Register program covering arrests made in 2017 and 2018, including (but not limited to) the age, race/ethnicity, gender, offense category (felony, misdemeanor, status offense), charge and disposition of arrestees.

The City has reviewed your request to determine whether the City possesses any identifiable, non-exempt public records that fit within the description of the records you have requested. After consultation with the appropriate departments, we have located the enclosed record that is

¹ California Government Code sections 6250 et seq.,

responsive to your request for categories #1 through #3. The enclosed record may also be found online at:

<http://www.walnut-creek.org/departments/public-safety/police/policies-and-transparency-information>

We have determined that processing your request for category #4 requires that City staff complete one or more of the following tasks:

- a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- c) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- d) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

Accordingly, the time for responding to your request is extended by an additional fourteen (14) days pursuant to California Government Code section 6253(c). We will provide a response by **August 12, 2019** outlining whether your request seeks responsive records in the City's possession that will be made available, and/or whether any responsive records may be exempt from disclosure pursuant to the CPRA.

Also, we note that the CPRA provides for the inspection and copying of public records maintained by state and local agencies. It was enacted to give the public access to information in the possession of public agencies to ensure that government is accountable for its actions. *Gilbert v. City of San Jose* (App. 6 Dist. 2003), 7 Cal.Rptr.3d 692. However, it is a principle of public records law that agencies are not required to create records or reports in response to a request. Rather, the CPRA requires that California public agencies make available records in the agency's possession that are subject to disclosure. The City's response to your request was processed in accordance with this principle.

I am responsible for determinations concerning your records request in my capacity as a Police Lieutenant for the City of Walnut Creek in consultation with the appropriate City departments and personnel.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Johnson", with a long horizontal flourish extending to the right.

Beth Johnson,
Police Lieutenant,
City of Walnut Creek

ENCLOSURE

cc: Dan Buckshi, City Manager
Suzie Martinez, City Clerk
Steve Mattas, City Attorney

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